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6                   IN THE UNITED STATES DISTRICT COURT  
7                   DISTRICT OF OREGON

8 GARY and SHERILL ELLIS,

9                   Plaintiffs,

NO. 10-6319-TC

10               v.

NOTICE OF APPEARANCE

11 GMAC MORTGAGE, INC., MORTGAGE  
12 ELECTRONIC REGISTRATION SYSTEM  
(MERS),

13                   Defendants.

14 **TO:**           Clerk of the Court

15 **AND TO:**     Gary and Sherrill Ellis, Plaintiffs

16                   **PLEASE TAKE NOTICE** that David A. Weibel, of Bishop, White, Marshall &  
17 Weibel, P.S., hereby appears in the above-entitled action as attorney for Defendants, GMAC  
18 Mortgage, Inc., and Mortgage Electronic Registration System (MERS) without waiving the  
19 questions of:

- 20                   1. Lack of Jurisdiction over the Subject Matter;  
21                   2. Lack of Jurisdiction over the Person;  
22                   3. Improper Venue;  
23                   4. Insufficiency of Process;  
24                   5. Insufficiency of Service of Process;  
25                   6. Failure to State a Claim upon which Relief may be Granted; and  
7. Failure to Join a Party under CR 19.

NOTICE OF APPEARANCE - 1

BISHOP, WHITE, MARSHALL & WEIBEL, P.S.

720 Olive Way, Suite 1301

Seattle, WA 98101

206/622-5306 Fax 206/622-0354

1       **PLEASE ALSO TAKE NOTICE** that all further papers and pleadings directed to  
2 Defendants, GMAC Mortgage, Inc. and Mortgage Electronic Registration System (MERS)  
3 except original process, should be served upon the undersigned at the address shown below.

4 || DATED this 25th day of October, 2010.

**BISHOP, WHITE, MARSHALL  
& WEIBEL, P.S.**

/s/ David A. Weibel  
David A. Weibel, OSB #082316  
Attorney for Defendants

## **DECLARATION OF SERVICE**

I declare under penalty of perjury under the laws of the State of Washington that,  
on the 25th day of October, 2010, I caused to be delivered to the following addressees a  
copy of the foregoing Notice of Appearance in the manner indicated:

**Via U.S. Mail**  
Gary & Sherill Ellis  
87869 Bills Creek Road  
Bandon, OR 97411

DATED this 25th day of October, 2010, at Seattle, Washington.

/s/ Ana I. Todakonzie  
Ana I. Todakonzie